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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,990	10/14/2003	Carlos A. Bonilla	200309108-1	7122
22879 7590 08/06/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LAU, TUNG S	
			ART UNIT 2863	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,990

Applicant(s)

BONILLA, CARLOS A.

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07/06/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/06/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

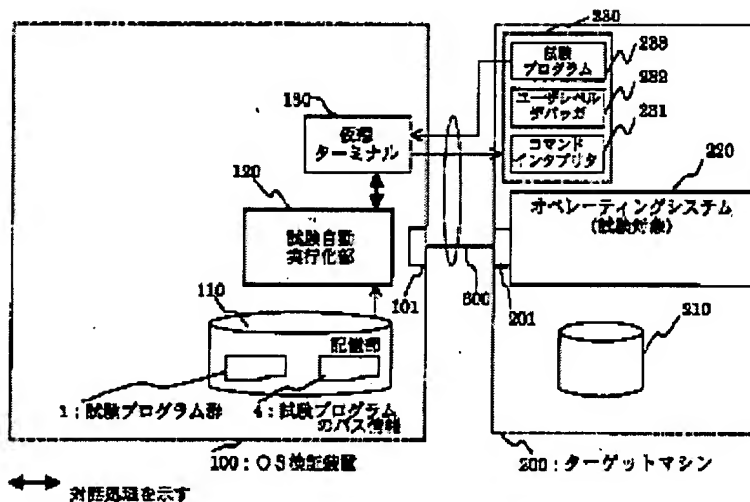
Claims 1, 8, 14, 2, 3, 4, 17, 5, 6, 7, 20, 15, 16, 18, 19, 9, 10, 11, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba Yoshiyuki, (Japan Patent 2001-243089, Date of Publication: 07.09.2001).

Regarding claim 1:

Baba Yoshiyuki describes a computer implemented method of automatic software testing (section 0001, 0002) comprising: initiating a software test comprising a plurality of test portions on a test system (section 0002, 0003); providing status information about said software test running on said test system

to a common information point (section 0002, 0003), said status information comprising identification of any of said plurality of test portions that have been completed by said test system and any results from any of said plurality of test portions that have been completed (section 0004, 0005), automatically (section 0001, 0002) reinstalling (section 0004, 0005, 0024, rerun the OS for test) an operating system on said test system in response to reinstall command (section 0004, 0005, 0024, rerun the OS for test) provided by at least one of said plurality of test portions (section 0009); querying said common information point to determine said status information comprising identification of any of said plurality of test portions that were completed by said test system prior to said reinstalling of said operating system (section 0009, 0010, 0005, break point, then rerun the OS) and any remaining of said plurality of test portions (section 0010, rerun the test with break up that hang-up occurs or stopped); and resuming said software test at a first of said remaining of said plurality of test portions after said reinstallation of said operating system (section 0004, 0005, 0024, rerun the OS for test).

【図1】



Regarding claim 8:

Baba Yoshiyuki describes a computer implemented method of automatic software testing (section 0001-002) comprising: installing test driver software comprising a plurality of test portions on a plurality of test systems (section 0014-0015, 0024 test hardware on computer OS); evaluating said test driver software for at least one synchronization requirement (section 0025, to match the requirement on the target) within said plurality of test portions (section 0024, 0025, use break point for different portion of the test); providing a mapping of a plurality of virtual test system names to real test system names to said test driver software (section 0025, use break point for different portion of the test); providing a test status for each of said plurality of test portions completed by each of said plurality of test systems to a common information point monitoring said test status for each of said plurality of test portions completed by each of said plurality of test systems (section 0025, use API module for different hardware, software in

the target system) at said common information point to maintain synchronization between said plurality of test systems when said test driver software includes said at least one synchronization requirement (section 0025, using break point to identify synchronization) ; automatically (section 0001-0002) reinstalling an operating system (section 0024) on said plurality of test systems in response to reinstall (section 0013, 0005 reboot or rerun) command provided by at least one of said plurality of test portions (section 0005); querying said common information point to determine which of said plurality of test portions were completed by said plurality of test systems prior to said reinstalling of said operating system (section 0005; 13, 25); and resuming said software test (section 0005, 0013, rerun or reboot the system) on a next of said plurality of test portions remaining after said reinstallation of said operating system (section 0006, 0007, 0010, 0090, use break point on the test program, continue when rerun when hang up occurs).

Regarding claim 14:

Baba Yoshiyuki describes a computer system for automatic software testing (section 0001, 0002) comprising: a plurality of test computer systems for performing a test comprising a plurality of test portions (section 0014, 0015, 0024, 0128, use API to test computer hardware or software system), said plurality of test portions including a command to perform an automatic (section 0001, 0002) reinstall of an operating system of at least one of said plurality a test master computer system communicatively coupled to said plurality of test computer systems (section 0005, 0013, 0014, 0015 rerun or reboot the system),

said test master computer system installing a test driver on at least one of said plurality of test computer systems (section 0014, 0024); a common information point communicatively coupled to said plurality of test computer systems (section 0014, 0024), said common information point receiving and storing test status information for each of said plurality of test portions completed by at least one of said plurality of test systems (section 0025; use break point) such that in response to an automatic (section 0001, 0002) reinstall of said operating system of at least one of said plurality of test computer systems (section 0004, 0005, 0024, rerun the OS for test,), said test driver will query said common information point to determine which of said plurality of test portions were completed prior to said reinstalling (section 0004, 0005, 0024, rerun the OS for test) of said operating system and which of said test portions remain pending for said at least one of said plurality of test computer system (section 0004, 0005, 0024, 0010, rerun the OS for test after hang up using break point).

Regarding claim 2, Baba Yoshiyuki further describes common information point is (section 0001, 0002, 0005, break point) on a computer system independent from a computer system running said software test (fig. 1, 200).

Regarding claim 3, Baba Yoshiyuki further describes reinitializing under software control (section 0005, 0013, 0009, rerun or reboot the system).

Regarding claims 4, Baba Yoshiyuki further querying is started by a start- up process, said start up process automatically initiated by said operating system (section 0005, 0013, 0009, 0014 rerun or reboot the system).

Regarding claims 17, Baba Yoshiyuki further describes querying is started by a start up process (section 0005, 0013, 0014 rerun or reboot the system), said start up process automatically initiated by said operating system (section 0009, 0024).

Regarding claim 5, Baba Yoshiyuki further describes identification of test portion completed (section 0005, break point indentifying).

Regarding claim 6, Baba Yoshiyuki further describes resuming restarts points said software test at point subsequent to a least test portion completed (section 0005, break point indentifying, section 0004, 0005, 0024, rerun the OS for test)

Regarding claim 7, Baba Yoshiyuki further describes test system is running a different operating system subsequent to said reinstalling than said test system was running prior to said reinstalling (section 005, 0009, 0013, 0024, before rerun, the system is under 'different OS' as OS changes).

Regarding claim 20, Baba Yoshiyuki further describes at least one of said plurality of test computer systems (section 0024) is running a different operating system subsequent to sad reinstalling than said at least one of said plurality of test computer systems was running prior to said reinstalling (section 0009, 0024).

Regarding claim 15, Baba Yoshiyuki further describes master computer is distinct from test computer system (fig. 1, 100, 200).

Regarding claim 16, Baba Yoshiyuki further describes reinitializing under software control (section 0005, 0013, rerun or reboot the system).

Regarding claim 18, Baba Yoshiyuki further describes status information portion of test completed (section 0005, break point indentifying).

Regarding claim 19, Baba Yoshiyuki further describes resuming restarts to last portion completed (section 0005, break point indentifying).

Regarding claim 9, Baba Yoshiyuki further describes identifying said common point of information to said plurality of test systems (section 0005, 0024).

Regarding claim 10, Baba Yoshiyuki further describes test results are gathered from said common point of information (section 0005, break point file).

Regarding claim 11, Baba Yoshiyuki further describes mapping resides on said common point of information (section 0005, break point file).

Regarding claim 12, Baba Yoshiyuki further describes common point of information is a network file system mount point common to all test systems (section 0005, break point file).

Regarding claim 13, Baba Yoshiyuki further describes installing is responsive to a start up process (section 0013, 0005 reboot or rerun), said start up process automatically (section 0001, 0002) initiated by said operating system (section 0024).

Response to Arguments

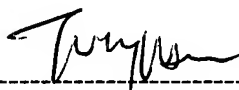
3. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's

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arguments filed 07/06/2007 have been fully considered but they are not persuasive.

Contact information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S. Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung S. Lau
AU 2863, Patent examiner
July 25, 2007